IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

CRL.A.No. 104 of 2002()

CC.733/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA
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APPELLANT: COMPLAINANT

P.V.ASOKAN, PRIYARATH HOUSE,
PHEO QUARTERS ROAD, ALUVA.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS: ACCUSED
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1. **STATE OF KERALA, REP. BY THE**
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. **V.S.SUDHAN, PRIYA LINE,**
   GEETHA BHAVAN, ALUVA-1.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.104 of 2002-A

DATED THIS THE 31st July 2007

JUDGMENT

The appellant is the complainant in C.C.No. 733/2000 in the file of the Judicial Magistrate of First Class-I, Aluva with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account o wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30-8-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.104 of 2002-A

JUDGMENT

31-7-2007

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